

EX 2

Steven Moser

From: michaelcapri <michaelcapri@optonline.net>
Sent: Wednesday, November 27, 2024 10:03 AM
To: Steven Moser; MM; mystat mashomes.com
Subject: RE: Clarification on joint letter and depositions.

I would prefer a 3 way call with Massimo as well.
Can you initiate one at 11?
5162629972
5166337977

Sent from my T-Mobile 5G Device

----- Original message -----

From: Steven Moser <steven.moser@moserlawfirm.com>
Date: 11/27/24 9:09 AM (GMT-05:00)
To: michaelcapri <michaelcapri@optonline.net>, MM <mm@rossouptown.com>, "mystat mashomes.com" <mystat@mashomes.com>
Subject: RE: Clarification on joint letter and depositions.

Michael

I am available today to discuss. You may call me on my cell at 516-671-2776. What time works for you?



Steven J. Moser
Managing Attorney, Moser Law Firm, PC

☎ [631.759.4054](tel:631.759.4054)

📠 [516.671.2776](tel:516.671.2776)

📍 [133C New York Avenue, Huntington, NY 11743](#)

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✉ steven.moser@moserlawfirm.com

From: michaelcapri <michaelcapri@optonline.net>

Sent: Wednesday, November 27, 2024 8:39 AM

To: Steven Moser <steven.moser@moserlawfirm.com>; MM <mm@rossouptown.com>; mystat mashomes.com <mystat@mashomes.com>

Subject: Clarification on joint letter and depositions.

Dear Mr. Moser,

I hope this email finds you well. I am writing to address the recent developments regarding the depositions and the joint letter that was due to the Court by November 26.

- On November 21, we emailed you to inform you that we had secured witnesses for depositions. Unfortunately, we received no response or acknowledgment from your end regarding that communication.
- The deadline for submitting a joint letter to the Court was November 26. Despite our efforts, we did not receive any correspondence or collaboration from you to fulfill this requirement.
- Mr. Tizzano and I filed a letter to court informing Judge Merle about it.
- We have now received a copy of the letter you e-filed with the Court, stating that the depositions are "as scheduled." However, no discussions or agreements regarding deposition scheduling took place between us. This assertion inaccurately represents the situation and may mislead the Court into believing we reached a consensus, which is not the case.

I kindly request clarification on your position regarding the depositions and an explanation as to why there was no response to our prior email or collaboration on the joint letter and why you picked dates for depositions and presented to Judge Merle in a way that seems as the witnesses agreed when they did not.

Accurate communication and mutual agreement are essential for moving forward in compliance with procedural rules.

Please confirm your availability for a discussion to resolve these matters promptly.

Best regards,
Massimo Gammella

Michael Tizzano

----- Original message -----

From: Steven Moser <steven.moser@moserlawfirm.com>

Date: 11/26/24 3:24 PM (GMT-05:00)

To: MM <mm@rossouptown.com>, michaelcapri <michaelcapri@optonline.net>, "mystat mashomes.com" <mystat@mashomes.com>

Subject: 2024-11-26 Letter to NCM Re Deps and Med

Gentlemen

Please let me know if you have any proposed changes to the attached.

Steve Moser